THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 14th day of July, 2006

W.P.No.2425 of 2000

Between:

G. Suryanarayana … Petitioner

and

The Government of A.P, rep. by
Principal Secretary, Revenue
Department, Secretariat, Hyderabad
and others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.2425 of 2000

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the Memo dated 2-6-1998 of the 1st respondent as arbitrary and illegal and to direct the respondents to assign the land of an extent of Ac.2.39 cts in R.S.Nos.459 and 460 of Vonuduru village, Mudinepalli Mandal, Krishna district in favour of the petitioner.

The facts are not much in dispute. It is admitted even by the respondents that the petitioner is an Ex-Serviceman and has been in possession and enjoyment of the land belonging to the Irrigation Department to an extent of Ac.2.30 cts in R.S.Nos.459 and 460 of Onudurru village, Mudinepalli Mandal of Krishna District. It is also not in dispute that he made an application for the purpose of grant of assignment in his favour as an Ex-Serviceman. In fact, the Collector, Krishna recommended for assignment of the said land in favour of the petitioner. But, it appears that the Government passed orders rejecting the case of the petitioner on the ground that the said land is required for the Department itself for its better use. Under those circumstances, the petitioner was communicated with the impugned Memo dated 2-6-1998. Though the Collector recommended, since it was rejected by the Government, it cannot be said that the rejection is arbitrary and illegal. It is always open for the petitioner to make a fresh application seeking to assign any other land belonging to the Government.

In view of the above, the petitioner is directed to approach the 3rd

respondent-District Collector and file a fresh application seeking assignment, as Ex-Serviceman, of any other Government land for which there is no objection from any Department. On such representation being made, the 3rd respondent shall consider and pass appropriate orders thereon, within a period of three months from the date of receipt of a copy of this order. The petitioner shall make an application to the 3rd respondent within a period of two weeks from the date of receipt of a copy of this order.

With the above directions, the Writ Petition is disposed of. No order as to costs.

14-7-2006

prk